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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,768	07/23/2003	Garry Tsaor		7831

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EXAMINER

HEWITT, JAMES M

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/625,768	Applicant(s) TSAUR, GARRY	
	Examiner James M. Hewitt	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings were received on 8/18/06. These drawings are acceptable.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Field et al (US 6,382,678).

With respect to claim 1 and with reference to Figure 2, Field et al disclose a connector with frangible seal comprising a single-piece tubular cylinder (12) separated into a first section and a second section by only one frangible seal (26) wherein a first tubular member (28 or 28/32) is inserted into said first section and a second tubular member (52) is inserted into said second section wherein said first tubular member has an outside diameter approximately equal to that of the inside diameter of said second tubular member and whereby when the two tubular members are urged toward each other the frangible seal separating the two tubular members will be fractured upon insertion of the first tubular member into the second tubular member.

With respect to claim 2, wherein said frangible seal is a membrane formed from the same material as the tubular cylinder.

With respect to claim 3, wherein said tubular cylinder has approximately constant wall thickness throughout its length (in the axial or longitudinal direction).

With respect to claim 4, wherein said first section of said tubular cylinder has a different wall thickness than said second section of said tubular cylinder. Refer to Figure 2.

With respect to claim 9, wherein said first section has one or more protrusions on its inside diameter and wherein said second section has one or more protrusions on its inside diameter. Refer to Figure 2.

With respect to claim 10, wherein said frangible seal is a membrane formed from the same material as the tubular cylinder.

With respect to claim 11, Field et al discloses a method of making a connector with frangible seal comprising the steps of: covering a first end of a first tubular member (52) with a thin membrane (62) wherein said first tubular member has an inside diameter; inserting said first end of said first tubular member into a first end of a single-piece tubular cylinder (12); and inserting a second tubular member (28 or 28/32) into a second end of said tubular cylinder wherein said second tubular member has an outside diameter approximately equal to the inside diameter of the first tubular member; whereby the thin membrane is a frangible seal that acts to separate the single-piece tubular cylinder into two sections and wherein when the first and second tubular members are urged toward each other the frangible seal separating the first and second

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tubular members will be fractured upon insertion of the second tubular member into the first tubular member.

Claims 1-4 and 9-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Shurtleff (US 3,201,148).

With respect to claim 1, Shurtleff discloses a connector with frangible seal comprising a single-piece tubular cylinder (3) separated into a first section and a second section by only one frangible seal (12) wherein a first tubular member (2) is inserted into said first section and a second tubular member (1) is inserted into said second section wherein said first tubular member has an outside diameter approximately equal to that of the inside diameter of said second tubular member and whereby when the two tubular members are urged toward each other the frangible seal separating the two tubular members will be fractured upon insertion of the first tubular member into the second tubular member.

With respect to claim 2, wherein said frangible seal is a membrane formed from the same material as the tubular cylinder.

With respect to claim 3, wherein said tubular cylinder has approximately constant wall thickness throughout its length. Refer to Figure 1.

With respect to claim 4, wherein said first section of said tubular cylinder has a different wall thickness than said second section of said tubular cylinder. Refer to Figure 1.

With respect to claim 9, wherein said first section has one or more protrusions (15) on its inside diameter and wherein said second section has one or more protrusions (threads) on its inside diameter.

With respect to claim 10, wherein said frangible seal is a membrane formed from the same material as the tubular cylinder.

Claims 1-2, 4-9 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Abbey et al (US 3,202,442).

With respect to claim 1, Abbey et al disclose a connector with frangible seal comprising a single-piece tubular cylinder (10) separated into a first section and a second section by only one frangible seal (36) wherein a first tubular member (26) is inserted into said first section and a second tubular member (58) is inserted into said second section wherein said first tubular member has an outside diameter approximately equal to that of the inside diameter of said second tubular member and whereby when the two tubular members are urged toward each other the frangible seal separating the two tubular members will be fractured upon insertion of the first tubular member into the second tubular member.

With respect to claim 2, wherein the seal is a membrane formed from the same material (metal) as the tubular cylinder.

With respect to claim 4, wherein said first section of said tubular cylinder has a different wall thickness than said second section of said tubular cylinder. Refer to figures.

With respect to claim 5, wherein said first section has a larger diameter (as at 12) near a first end of the connector than near the frangible seal and wherein said second section has a larger diameter (internal diameter) near a second end of the connector than near the frangible seal.

With respect to claim 6, wherein the seal is a membrane formed from the same material (metal) as the tubular cylinder.

With respect to claim 7, wherein said first section has a reduced inside diameter section (inward flange abutting end of first member) slightly smaller than the outside diameter of said first tubular member and wherein said second section has a reduced inside diameter section (intermediate the two seals) slightly smaller than the outside diameter (as at 50) of said second tubular member.

With respect to claim 8, wherein said frangible seal is a membrane formed from the same material (metal) as the tubular cylinder.

With respect to claim 9, wherein said first section has one or more protrusions on its inside diameter and wherein said second section has one or more protrusions on its inside diameter. Refer to figures.

With respect to claim 11, Abbey et al discloses a method of making a connector with frangible seal comprising the steps of: covering a first end of a first tubular member (58) with a thin membrane (62) wherein said first tubular member has an inside diameter; inserting said first end of said first tubular member into a first end of a single-piece tubular cylinder (10); and inserting a second tubular member (26) into a second end of said tubular cylinder wherein said second tubular member has an outside

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diameter approximately equal to the inside diameter of the first tubular member; whereby the thin membrane is a frangible seal that acts to separate the single-piece tubular cylinder into two sections and wherein when the first and second tubular members are urged toward each other the frangible seal separating the first and second tubular members will be fractured upon insertion of the second tubular member into the first tubular member.

Claims 2, 6 and 8 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Abbey et al (US 3,202,442).

In the instance that the brass membrane cannot be considered the same material as the metal tubular cylinder, it would have been obvious to one having ordinary skill in the art at the time the invention was made to form the membrane and the cylinder of the same material (e.g. form the membrane thin of the same metal as the cylinder, or form the cylinder of brass), since it been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shurtleff (US 3,201,148).

Shurtleff fails to teach that the diameters of the first and second sections may be larger or reduced as claimed in claims 5 and 7. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to so modify Shurtleff's first and second sections as a matter of design choice, especially given that Applicant offers such configurations as mere alternatives and since it is clear that Shurtleff's configuration would perform equally as well.

Claims 5-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Field et al (US 6,382,678).

Field et al fail to teach that the diameters of the first and second sections may be larger or reduced as claimed in claims 5 and 7. Nevertheless, it would have been obvious to one having ordinary skill in the art at the time the invention was made to so modify Field et al's first and second sections as a matter of design choice, especially given that Applicant offers such configurations as mere alternatives and since it is clear that Field et al's configuration would perform equally as well.

Response to Arguments

Applicant's arguments filed 8/18/06 have been fully considered but they are not persuasive.

Applicant's amendments to claims 1 and 11 fail to patentably distinguish the claims over the prior art. Each of Field et al, Shurtleff and Abbey et al discloses a connector with frangible seal comprising a single-piece tubular cylinder separated into a first section and a second section by only one frangible seal. Refer to the above rejections. And both Field et al and Abbey et al disclose a method of making a connector with frangible seal comprising the step of inserting the first end of the first tubular member into a first end of a single-piece tubular cylinder. Refer to the above rejections. The fact that each reference may include other components and piercing devices do not preclude their meeting the limitations of the claims, as described in the above rejections.

Conclusion

An RCE has been filed in the instant application. All claims are drawn to the same invention and could have been finally rejected on the grounds and art of record in the next Office action if they were entered in the seminal application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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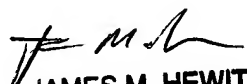
shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH
10/24/06


JAMES M. HEWITT
PRIMARY EXAMINER